APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,497	03/22/2001	Garry C. Binder	42390P11284	5655

7590   01/13/2005

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EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,497	BINDER, GARRY C.	
	Examin r	Art Unit	
	Hussein A El-chanti	2157	

-- Th MAILING DATE of this communication appears on the cover she t with th correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2004*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to amendment received on Sep. 23, 2004. Claims 1-20

are pending examination.

2.   The content of the specification does not include a "summary of the invention".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Roberts et al., U.S. patent No. 6,295,551 (referred to hereafter as Roberts).

As to claim 1, Roberts teaches a networked computing apparatus, comprising:

a business message sender component coupled to a network interface, the

network interface not being coupled to an always-active listening component (see col. 3

lines 38-50 and col. 20 lines 1-25); and

a processing component coupled to the sender component to process a business

message or a polling request for transfer to another networked computing apparatus

(see col. 7 lines 17-25).

As to claim 6, a networked computing system, comprising:

a first networked computing apparatus including a first business message sender component coupled to a first network interface, the first network interface not being coupled to an always-active listening component, and a first processing component coupled to the first sender component to process a business message or a polling request for transfer to another networked computing device (see col. 3 lines 38-col.4 lines 25 and col. 20 lines 1-25); and

a second networked computing apparatus including a second business message sender component coupled to a second network interface, the network interface not being coupled to an always-active listening component, and a second processing component coupled to the sender component to process a business message or a polling request for transfer to another networked computing device, the second networked computing apparatus being coupled to the first networked computing apparatus via a network (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25).

As to claim 11, Roberts teaches a method comprising:

sending a polling message from a first networked computing apparatus to a second networked computing apparatus (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25);

receiving a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are

waiting for transfer to the first networked computing apparatus (see col. 3 lines 38-col.4

lines 25, col. 7 and col. 20 lines 1-25).

As to claims 12, 2 and 7, Roberts teaches the method, apparatus and system as

claimed in claims 11, 1 and 6 respectively further including storing a business message

or receipt acknowledgement for subsequent transfer to another networked computing

apparatus (see col. 7 lines 17-25).

As to claims 13, 3 and 8, Roberts teaches the method, apparatus and system as

claimed in claim 11, 1 and 6 respectively further including routing the polling message

and the response message with the business message through a hub (see col. 20 lines

1-15).

As to claims 14, 4 and 9, Roberts teaches the method, apparatus and system as

claimed in claim 12, 2 and 7 respectively further including retaining a business message

in a data store until a polling message is received from another networked computing

apparatus (see col. 3 lines 25-col. 4 lines 35).

As to claims 15, 5 and 10, Roberts teaches the method, apparatus and system

as claimed in claim 12, 2 and 7 respectively further including retaining a business

message in a data store until another business message is received from another

networked computing apparatus (see col. 3 lines 25-col. 4 lines 35).

As to claim 18, Roberts teaches an article of manufacture comprising:

a computer useable medium having computer readable program instructions

embodied thereon for causing a processor to send a polling message from a first

networked computing apparatus to a second networked computing apparatus, the

computer useable medium also having computer readable program instructions

embodied thereon for causing the processor to receive a response message with a

business message from the second networked computing apparatus in response to the

polling message, the response message further including information indicating whether

additional messages are waiting for transfer to the first networked computing apparatus

(see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Roberts in view of Hemphill et al., U.S. Patent No. 6,167,448

(referred to hereafter as Hemphill).

As to claims 16, 17, 19 and 20, Roberts teaches a method comprising:

sending a polling message from a first networked computing apparatus to a

second networked computing apparatus, and receiving a response message with a

business message from the second networked computing apparatus in response to the

polling message, the response message further including information indicating whether

additional messages are waiting for transfer to the first networked computing apparatus

(see the rejection of claim 11) where the poling and response message is an HTTP

message.

Roberts does not explicitly teach the limitation "HTTP POST message". However

Hemphill teaches a method of sending notification messages to a server where the

messages are HTTP POST messages (see col. 2 lines 10-30).

It would have been obvious for one of the ordinary skill in the art at the time of

the invention to modify Roberts by incorporating the use of HTTP POST messages

instead of HTTP messages because doing so would allow the user to send and receive

messages with sufficiently large size and therefore overcome the limitation of sending

small files to avoid network overflow and data loss on a network.

5.   Applicant's arguments filed have been fully considered but they are not

persuasive.

In the remarks, the applicant argues in substance that; A) Roberts does not

disclose "network interface not being coupled to an always-active listening component";

B) Roberts does not disclose "response message further including information indicating

whether additional messages are waiting for transfer"; B) Roberts does not disclose

"response message further including information indicating whether additional

messages are waiting for transfer to the first networked computing apparatus".

In response to A) Roberts teaches a method where a user computer accesses the server utilizing the browser, the server transmits to the user computer a user applet. The user applet is adapted to enable the user computer to communicate through the network with the server. A service applet is disposed on the second computer to enable the second computer to communicate with the server. In FIG. 7A the request to enter a call session starts when a user of the user computer is instructed by the sales representative of the second computer to go to a specific web page 202. Displayed on that web page will be a sign-on page wherein the user is prompted to enter attributes, such as the users name or any other attributes previously described. When the user signs on, the user applet generates a child browser in the user view of the user computer and then begins to poll the server for call request status (see col. 20 lines 50-col. 21 lines 25). The child browser starts polling only when the user signs on. There is no limitation in the claim on when the listening component is not active and therefore Roberts' polling following a user sign on meets the scope of the claimed limitation "network interface not being coupled to an always-active listening component".

In response to B) Roberts teaches the server places the call request in the computer queue. The call request in the computer queue can be communicated to the ACD or displayed on the computer queue of the second computer and the user computer. The ACD can also determine which queue is appropriate for the call request in place of the server and transmit the corresponding selection of the computer queue to the server. The server then transmits the user applet to the user computer. The user applet spawns the child browser and displays the on-hold information to the user. Again,

the browser of the user computer can selectively display the control view in a framed

method or behind the child browser. Similarly, the on-hold information can include not

only information regarding the call request status in the queue but also the

advertisements determined either based on the attributes or just the advertisements for

the sales representatives' company. There is no limitation on the content of the

messages and therefore the on-hold queues taught by Roberts meets the scope of the

claimed limitation "response message further including information indicating whether

additional messages are waiting for transfer to the first networked computing

apparatus".

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.
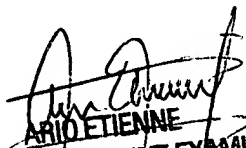
7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hussein A El-chanti whose telephone number is

(571)272-3999. . The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hussein Elchanti

Dec. 28, 2004

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